

Regular Session Minutes – Selectmen’s Meeting
Selectmen’s Meeting Room, Town Hall
Monday, June 13, 2016, 7:30 p.m.

PRESENT: Michael A. Rosenberg, Chair; Mark Siegenthaler; William S. Moonan; Margot R. Fleischman; Caroline Fedele and Town Manager Richard T. Reed

ALSO PRESENT: Assistant Town Manager Michael Rosen; Attorney Douglas Deschenes; Seven Point CEO Brad Zerman; Finance Committee members Ben Thomas and Stephen Steele; Girl Scout Troop members Nicole Steele, Lindsey Steele, Gianna Missiti, Grace Hannigan, and Sabrina Turner; Girl Scout Leaders Sue Turner and Robin Steele; Board of Health member Anita Raj; Planning Board member Jeff Cohen; Fire Chief David Grunes; Town Engineer Adrienne St. John; Recycling Coordinator Ed McGrath; Public Works Business Manager April Delano; Youth and Family Services Director Sue Baldauf; Mabbett & Associates Environmental Consultant Kelly Winson; Anika Therapeutics representative Andy Basso; Terry Gleason; Frances Bigda-Peyton; Kris Washington; Press Representative Debra Parkhurst; Bedford Television representative Nick Giglio

Chair Rosenberg called the meeting to order at 7:30 p.m.

16-273 Public Hearing
Flammable Storage License
First Camelot, LLC (Anika Therapeutics)
32 Wiggins Avenue

Ms. Fedele made a motion to open the Public Hearing. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

Environmental Consultant Kelly Winson from Mabbett & Associates presented the Selectmen with a Flammable Storage License application for Anika Therapeutics Inc. Ms. Winson explained that Anika Therapeutic is looking to expand their processes and operations. In order to do this, they are seeking to store additional flammable and combustible materials at the 32 Wiggins Avenue location. Ms. Winson noted that no new outdoor storage areas will be constructed as part of this project and license request. All additional materials will be stored inside the building.

Mr. Moonan asked if this request was an indication that Anika Therapeutic was doing well. Andy Basso from Anika Therapeutic stated that business was booming. The

company recently obtained intellectual properties from a competitor in Italy. This part of the business is moving from Italy to the Bedford location.

Ms. Fleischman made a motion close the Public Hearing. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Ms. Fedele moved that the Selectmen grant approval for a license under M.G.L Chapter 148 for above ground storage on land at 32 Wiggins Avenue owned by First Camelot, LLC referencing plans entitled Site Plan Wiggins Avenue (dated August 30, 1979), #32 Wiggins Avenue Existing Conditions (dated September 30, 2010) and Anika Therapeutics Inc. Outdoor Flammable/Combustible Storage submitted by Mabbett & Associates subject to the following contingencies:

1. Anika will voluntarily surrender the license when they or a wholly owned subsidiary is no longer utilizing the property for its current purpose.
2. There shall be no more than one loading or off-loading of hazardous materials operations on site at one time.
3. All safety devices shall be exercised and maintained to the manufacturer's recommended specifications.
4. The storage of flammable material on the site shall be limited to:
 - No more than 12,000 gallons of flammable liquids
 - No more than 3,000 gallons of combustible liquids
5. Anika will cause to have a qualified third party, approved by the Bedford Fire Department, review storage and process procedures to ensure compliance with this license and applicable laws, regulations and standards specific to the use of flammable and combustible liquids and gases. The review shall be conducted at a period not to exceed 36 months from issuance of the license and subsequently within every 36-month period following while the storage allowed by this license is in effect.

Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

16-274

Girl Scout Troop 85197 Presentation

Members of Girl Scout Troop 85197 presented the Selectmen with request to help locate appropriate meeting space for the Girl Scout Troops in Town. The girls explained that their Troop is working on their Bronze Award which is the highest award a Junior Girl Scout can earn. Each member will volunteer a minimum of 20 hours on their project of finding and improving space for Girl Scout Troops to meet. The Troop explained that with the increased number of children in Bedford, the troops have become too large to meet in residential homes. The type of space needed must be able to accommodate 8-25 girls with chairs and a table. The troop meets once or twice a month and there is always adult supervision. The Girl Scouts concluded by asking the Selectmen to get their message out

to anyone that might be able to assist in this needs as well keeping space for scouting in mind for future Town development projects.

Mr. Moonan asked when these meetings would take place. The troop stated that the meetings are primarily after school.

Mr. Rosenberg suggested that the American Legion or Middlesex Community College might be able to accommodate the meetings.

All the Selectmen thanked the troop for their presentation and promised to be mindful of any Town facilities that might be useful for future Scout meetings.

The meeting was running ahead of schedule and items were reviewed out of order.

16-283 Minutes

Regular Session Minutes - May 31, 2016

Executive Session Minutes - May 16, 2016

Mr. Moonan made a motion to approve the Regular Session Minutes of May 31, 2016 as amended. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Mr. Moonan made a motion to approve the Executive Session Minutes of May 16, 2016 as amended. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

16-282 Miscellaneous Action Item

Chapter 268A, Section 20(b) Exemptions

Ms. Fedele made a motion to approve the waivers from Chapter 268A, Section 20 (b) for Omar-Karim Al-Adhami, Nari Barlas, Mark Bowers, Amy Campbell, Melanie Garofalo, Tobin Hart, Panayiotis Kapandies, Peter Laskaris, Alli Lua, Michael Richard, Benjamin Richter, Madeline Siegal, Heather Smiles, Parker Taggard, Stacy Valley, Jennie Weaver, Lily Weaver and Christopher Wesinger. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

16-275 Refuse and Recycling Contract

Recycling Services Decision

Town Manager Richard Reed presented the Selectmen with a chart outlining the recycling rates of several surrounding communities. Bedford has a recycling rate of 35.21% which is second only to Concord with a rate of 46.85%. Both Towns use a dual stream method for recycling. The Selectmen discussed at length the benefits of switching to single stream as well as utilizing totes. Mr. Siegenthaler felt that using a tote with a lid would contain the recycling better and keep the Town cleaner.

Board of Health member Anita Raj asked if the cans that are recycled on the Town's behalf are then redeemed for a cash value. Ms. Fleischman stated that the Town does receive a benefit from the value of the tin or aluminum that is recycled. Ms. Fleischman went on to say that this price fluctuates according to the value of both commodities.

Bedford resident Terry Gleason stated that education was mentioned more than once as a method to increase recycling within the Town. Mr. Gleason suggested staying with the current method and using the savings to fund pilot programs that the Town's Recycling Coordinator Ed McGrath could oversee.

Another resident, Frances Bigda-Peyton, agreed with Mr. Gleason that Recycling Coordinator Ed McGrath should have his hours and scope of work increased to help Bedford lead the way in recycling. She also mentioned the need to educate the public on composting as well as reusing items. Ms. Bigda-Peyton cited Concord's Public Works Department and their efforts to have residents reuse and repurpose items rather than throw them away.

Mr. Moonan asked Mr. McGrath if he would be interested in having his hours increased if the budget allowed. Mr. McGrath stated he would.

Mr. Reed informed the Selectmen that a vote was needed to have staff prepare a final contract which would be presented at the next Selectmen's meeting.

Mr. Moonan made a motion to authorize staff to prepare a 3 year contract for a recycling system that would be unchanged. Ms. Fedele seconded the motion.

The motion passed 4-1-0. Mr. Siegenthaler voted against.

16-278

Jenks Trail Tree Removal

Approval for Safe Routes to School Project

Town Engineer Adrienne St. John presented the Selectmen with a Memorandum of Agreement to remove two trees from the Jenks Trail. The Town has been working with the Mass DOT to finalize plans to improve pedestrian and bicycle access between The Great Road and the John Glenn Middle School as part of the Safe Routes to School project. The Jenks Trail will be widened 6-8 feet. To accomplish this, two trees need to be removed to extend the paving. Ms. St. John concluded by saying no part of the stone wall would be removed.

Ms. Fleischman made a motion to approve the removal of two trees from the Jenks Trail as required by the Memorandum of Agreement subject to approval from the Historic Preservation Commission. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

16-276**Proposed Medical Marijuana Dispensary**

Mr. Moonan was advised by Town Counsel to recuse himself as his home is close to the proposed site of the medical marijuana dispensary. Mr. Moonan joined the audience for the discussion.

Attorney Douglas Deschenes addressed the Selectmen. Mr. Deschenes represents Seven Point of Massachusetts. Mr. Deschenes outlined the process by which Seven Point of Massachusetts must go through to apply for a medical marijuana dispensary. This is a three part application that goes through the Mass Department of Public Health. First, an Application of Intent must be filed. If that is approved, a Management and Operations Profile must be filed with the Mass Department of Public Health. This step will outline the security measures that will be in effect at the proposed facility. The final step is to file a Siting Profile. Part of the profile is to receive a letter of support or non-opposition from the Town of the proposed dispensary.

They are in the Siting Profile stage and ask the Town of Bedford to provide such a letter for a proposed dispensary at 131A Great Road. Mr. Deschenes noted that this location is unique in that it is zoned for limited business as well as residential. Mr. Deschenes met with Code Enforcement Director Chris Laskey to discuss using this space for retail. They concluded that as long as the intended space was less than 2,000 square feet, it could be zoned as retail. Seven Point's dispensary would fall into these parameters.

Seven Point CEO Brad Zerman provided the Selectmen with some background information as well as his desire to locate a dispensary in Bedford. Mr. Zerman is in the process of finishing a facility in Oak Park Illinois. Educating local physicians about the benefits of medical cannabis is one of the aims of Seven Point. Mr. Zerman wants to continue that education and outreach to the medical community once a facility is established in Massachusetts.

Mr. Zerman stated the he chose Bedford for a location because of the optimal zoning and easy access to other cities and towns. Mr. Zerman also noted that having the dispensary on a main street provides an extra level of security as it is well lit and has a lot of traffic.

Chair Rosenberg asked what other towns were considered. Mr. Zerman said that they will be cultivating in Ayer and have received letters of non-opposition from Middleboro, Winchendon and Gardner. These towns are being considered for either cultivation or dispensaries.

Chair Rosenberg also asked why a more densely populated area was not considered. Mr. Zerman said that Boston was not ideal as the Mayor is resistant to medical marijuana dispensaries. Mr. Zerman noted that the dispensary in Illinois is located near stores and restaurants which would help with local business as well.

Mr. Siegenthaler asked how many dispensary applications Seven Point has currently in Massachusetts. Mr. Zerman stated there are three which is the maximum. They will

determine where they will open a dispensary once they hear back from all the Towns under consideration.

Mr. Siegenthaler inquired about a delivery service from Seven Point. Mr. Zerman stated that would probably be a very small percentage of their business.

Mr. Zerman acknowledged that many people have the misconception that medical marijuana is a gateway drug which would lead to possible drug abuse. Mr. Zerman contends that it is an exit drug that will assist with easing dependency on opioid drugs which has become an epidemic. Mr. Zerman stated he would be happy to provide literature to support these findings.

Mr. Zerman also noted that the Department of Public Health would issue a card to individuals who have been prescribed medical marijuana by their physicians. No one could get into the dispensary without showing this card.

Mr. Zerman and Attorney Deschenes explained that receiving a letter of support or non-opposition from Bedford would not mean that the dispensary would automatically be approved. The State has the final say and the process is lengthy. The soonest a dispensary could open would be toward the end of 2018.

Ms. Fleischman commented that there will be a ballot measure in the Fall to make recreational marijuana legal in Massachusetts. She asked Mr. Zerman how that would impact his business plan. Mr. Zerman stated that it is too early to speculate at this time. His belief is that you could not operate a medical and recreational dispensary in the same location.

Chair Rosenberg asked the public for their comments and concerns.

Kris Washington urged the Selectmen to put this topic to Special Town Meeting as it is such a polarizing issue.

Board of Health member Anita Raj voiced the Board's concern with impacts of smoking on public health as well as marijuana being a gateway drug.

Planning Board member Jeff Cohen voiced his concern about the dispensary's impact on traffic in the area.

Mr. Reed asked Mr. Zerman if he was aware that the proposed location of the dispensary is within 500 feet of a church that hosts a play group to young children each week. Mr. Zerman said he was not aware but would review it with counsel.

Fire Chief David Grunes requested an increase in the Ambulance rates. In FY13, the Town transitioned to the Enterprise Accounting method for ambulance services. It was proposed that the Selectmen and Finance Committee review the rates annually to ensure that they align with the cost to run this service. The Town seeks to become more fee based for this service rather than rely on a tax levy. Chief Grunes stated that there is an \$80,000 gap in this year's budget: \$35,000 was transferred from the General Fund and \$45,000 was from retained earnings. The new rates would still be below the regional average.

Mr. Moonan made a motion to approve the ambulance rates as outlined in the June 7, 2016 memo from Fire Chief Grunes to Town Manager Reed to become effective July 1, 2016. Ms. Fleischman seconded the motion.

The motion passed 4-0-1. Ms. Fedele abstained.

16-279

Vehicles and Equipment Replacement

**4X2 Regular Cab Pick-up Truck with Liftgate
Liberty Chevrolet, Wakefield, MA**

**4X2 Pick-up with Utility Body
Liberty Chevrolet, Wakefield, MA**

**All Wheel Drive Four Door Utility
Stoneham Motor Company, Stoneham, MA**

**All Wheel Drive Four Door Sedan
Stoneham Motor Company, Stoneham, MA**

**Service Van
Liberty Chevrolet, Wakefield, MA**

Town Engineer Adrienne St. John presented the Selectmen with a request to purchase five new vehicles. All the bids proposed were the lowest bids and each of the vehicles has a trade in. Three of the vehicles are for Facilities, one for Police and the final is for the Fire Chief.

Mr. Siegenthaler made a motion to approve the replacement of one 4X2 Regular Cab Pick-up Truck with Liftgate to Liberty Chevrolet, Inc. at the net bid price of \$22,733.50. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

Ms. Fleischman made a motion to approve the replacement of one 4X2 Pick-up with Utility Body Liberty Chevrolet, Inc. at the net bid price of \$29,322. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Ms. Fedele made a motion to approve the replacement of one All-Wheel Drive Four Door Utility to Stoneham Motor Company at the net bid price of \$17,200. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Moonan made a motion to approve the replacement of one All-Wheel Drive Four Door Sedan to Stoneham Motor Company at the net bid price of \$20,688. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Ms. Fedele made a motion to approve the replacement of one Service Van to Liberty Chevrolet, Inc. at the net bid price of \$24,833. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**16-280 Cable Television Revolving Fund
 Increase of FY16 Expenditure Limit**

Mr. Reed informed the Selectmen that the Cable Television Revolving Account exceeded its \$250,000 budget by \$7,898.50. This was due to a few miscellaneous and unanticipated bills. Mr. Reed stated that this over-expenditure was not related to PEG Access. Under Massachusetts General Law, the amount spent in a revolving fund may be increased if the Selectmen and Finance Committee are in agreement.

Mr. Moonan moved that the Selectmen increase the expenditure limit for FY2016 Cable Television Revolving Account authorized under MGL Chapter 44 Section 53E ½ from \$250,000 to \$258,000. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**16-281 Committee and other Town Official Reappointments
 See attached list**

Mr. Moonan moved that the Selectmen approve the list of incumbent committee members. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

16-284 Town Manager's Report

Mr. Reed did not have anything further to report at this time.

16-285 Open Discussion and Selectmen Liaison Reports

Ms. Fleischman commented on an ongoing Zoning Board of Appeals (ZBA) issue regarding building two family properties on vacant versus non-vacant lots. According to GIS and Scott Gould of the Code Enforcement Department, there are currently six lots still buildable under that bylaw. Ms. Fleischman concluded by saying that as this number decreases, the Town would have a bylaw without meaning unless clarification is provided.

Ms. Fleischman mentioned that the Park and Pedal signs were up to encourage residents to take their bicycles to work rather than drive their cars. Ms. Fleischman thanked the Public Works Department for their help in putting up the signs.

Finally, Ms. Fleischman informed the Selectmen that she anticipated becoming the President of the Board for Communities for Restorative Justice. This appointment might mean that Ms. Fleischman could not vote on budgetary issues related to the Police Department.

Ms. Fedele discussed the Grove Street Development in Lexington. This development was mentioned at the last Planning Board meeting. The development is adjacent to the Wright Farm and sits on 13 acres. It would consist of 4 single family homes, 12 large town homes, 10 smaller town homes and 10 empty nester homes. Some Bedford residents are very concerned about the potential traffic and loss of green space that would result from this development. Planning Board member Jeff Cohen stated that they sent a letter to the Lexington Planning Board voicing the Bedford residents' concerns.

Mr. Moonan informed the Selectmen that the Historic District Commission (HDC) voted 3-2 against installing solar panels on the Unitarian Church. Mr. Moonan stated that the church is an iconic building in the Town and it is the HDC's charge to maintain the aesthetics of the Town.

Ms. Fleischman noted that a number of residents were unhappy with the HDC's decision to veto the solar panels. She went on to say that it was unfortunate that the HDC did not offer an alternate choice for the church.

Mr. Moonan agreed that the decision was not well received by some but noted that the HDC's concern is with architecture and preserving the Town.

Ms. Fleischman made a motion to adjourn. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

The meeting adjourned at 10:20 p.m.